

NOTICE OF OBJECTION TO CONFIRMATION

CALIBER HOME LOANS, INC. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before 05/01/2019, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
402 East State Street
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

PHELAN HALLINAN DIAMOND & JONES, PC
1617 JFK BOULEVARD, SUITE 1400
PHILADELPHIA, PA 19103

ALBERT RUSSO, TRUSTEE
STANDING CHAPTER 13 TRUSTEE
CN 4853
TRENTON, NJ 08650-4853

Attend the hearing scheduled to be held on 05/08/2019 in the TRENTON Bankruptcy Court, in Courtroom #2, at the following address:

**U.S. Bankruptcy Court
402 East State Street
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: April 16, 2019

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

File No. 817715

Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard
Philadelphia, PA 19103
856-813-5500
FAX Number 856-813-5501
CALIBER HOME LOANS, INC.

In Re:

EDERNE OLISTIN

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE

Chapter 13

Case No. 18-31978 - KCF

Hearing Date: 05/08/2019

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, CALIBER HOME LOANS, INC., the holder of a Mortgage on Debtor's residence located at 27 KENNEDY STREET, ISELIN, NJ 08830 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is CALIBER HOME LOANS, INC.
2. On January 11, 2019, Movant filed Proof of Claim listing pre-petition arrears in the amount of \$34,864.25.
3. Debtor's Amended Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
4. Debtor's Amended Plan currently provides for payment to Secured Creditor in the amount of \$0.00.
5. Debtor's Amended Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
6. Secured Creditor objects to Debtor's Amended Plan as it is underfunded. Debtor's Amended Plan should be further amended to fully fund the arrears owed to Secured

Creditor. Absent a modification by the Debtor, confirmation of Debtor's proposed Amended Plan should be denied.

7. Additionally, Debtor's Amended Plan appears to provide for entry into the Court's Loss Mitigation Program and the accompanying adequate protection payments. Secured Creditor objects to adequate protection payments and requires full monthly post-petition payment owed to Secured Creditor under the terms of the Note and Mortgage. Secured Creditor objects to any post-petition payment amount less than the full amount required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, CALIBER HOME LOANS, INC. respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

Dated: April 16, 2019

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

817715
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
856-813-5500
Attorneys for CALIBER HOME LOANS, INC.

In Re:

EDERNE OLISTIN

Case No: 18-31978 - KCF

Hearing Date: 05/08/2019

Judge: KATHRYN C.
FERGUSON

Chapter: 13

CERTIFICATION OF SERVICE

1. I, MICHAEL ROCKS:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents CALIBER HOME LOANS, INC. in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On April 17, 2019 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: April 17, 2019

/s/ MICHAEL ROCKS
MICHAEL ROCKS

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
EDERNE OLISTIN 27 KENNEDY STREET ISELIN, NJ 08830	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
DONALD C. GOINS, ESQUIRE GOINS & GOINS, L.L.C. 323 WASHINGTON AVENUE ELIZABETH, NJ 07202	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
ALBERT RUSSO, TRUSTEE STANDING CHAPTER 13 TRUSTEE CN 4853 TRENTON, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. TRUSTEE US DEPT OF JUSTICE OFFICE OF THE US TRUSTEE ONE NEWARK CENTER STE 2100 NEWARK, NJ 07102	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.